**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**FIRST APPEAL No. 2391 of 2004**

**For Approval and Signature:**

**HONOURABLE MR.JUSTICE JAYANT PATEL**

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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**MINOR FULABHAI PUNABHAI PANDORE,THRO'JAWANBHAI PANDORE & 1 - Appellant(s)**

**Versus**

**VIKRAMBHAI SUKHABHAI RATHOD & 2 - Defendant(s)**

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**Appearance :**
MR SANDIP C SHAH for Appellant(s) : 1 - 2.
RULE SERVED for Defendant(s) : 1 - 2.
MS MEGHA JANI for Defendant(s) : 3,

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**CORAM : HONOURABLE MR.JUSTICE JAYANT PATEL**

**Date : 12/10/2007**

**ORAL JUDGMENT**

1. The present First Appeal is against the interim award passed by the Tribunal for interim

compensation, whereby the direction is given to opponent No.3 of the claim petition to deposit the amount, but the insurance company has not been directed to deposit the amount.

2. Upon hearing the learned counsel for the appellant, it appears that the main claim petition is of the year 2001, and no useful purpose would be served in examining the question which are raised in the present appeal for fastening of the liability upon the insurance company for interim compensation or otherwise at this stage and the main claim petition itself can be ordered to be decided within some reasonable time.

3. The learned counsel for the appellant made strenuous effort to contend that as the claimants are minor, this Court may examine the matter on the liability of the insurance company at the stage of section 140 of the Motor Vehicles Act.

4. In my view, at this stage, such an exercise may not be required when the main claim petition itself can be finalised within some reasonable time.

5. Under these circumstances, the present First Appeal is disposed of with the direction that the Tribunal which is seized with the matter shall decide the main MACP No. 945/01 as early

as possible, preferably within a period of six months from the receipt of the order of this Court. It is made clear that all contentions of both the sides shall remain open and the Tribunal shall decide the appeal independently without in any manner influenced by any of its prima facie observations in the interim award for interim compensation.

***(JAYANT PATEL, J.)***

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